



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re. Appln: Jon D. Kittelsen, et al  
Serial No.: 09/828,108  
Filed: April 6, 2001  
For: COMPOSITE MOUTHGUARD WITH NONSOFTENING FRAMEWORK  
Confirmation No.: 6804  
Attorney: Gerald E. Helget  
Attorney Docket No.: 33116.51  
Additional Fees: Charge to Deposit Account 02-3732

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

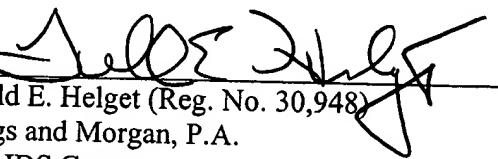
**TRANSMITTAL COVER LETTER**

Enclosed for filing, please find the following:

1. Transmittal of Information Disclosure Statement Before Mailing Date of Either a Final Action or Notice of Allowance (2 pages);
2. Information Disclosure Statement by Applicant (10 pages) with 178 cited references;
3. A check in the amount of \$180.00 for the filing fee; and
4. Postcard Receipt.

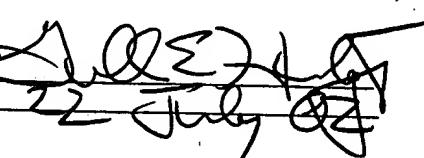
Respectfully submitted,

Dated: 22 July 02

By   
Gerald E. Helget (Reg. No. 30,948)  
Briggs and Morgan, P.A.  
2400 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
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Attorney: Gerald E. Helget  
Attorney Docket No.: 33116.51  
Additional Fees: Charge to Deposit Account 023732

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE  
MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE**

The Information Disclosure Statement transmitted herewith is being filed after three months of the filing date of this application and after the mailing date of the first Office Action on the merits, but before the mailing date of a final action under §1.113 or a notice of allowance under §1.311.

Applicant elects the option to pay the fee set forth in 37 C.F.R. §1.17(p) for submission of an information disclosure statement under §1.97(c). Accompanying this transmittal is a check in the amount of \$180.00, which is the fee set forth in 37 C.F.R. §1.17(p).

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Dated 27 July 02

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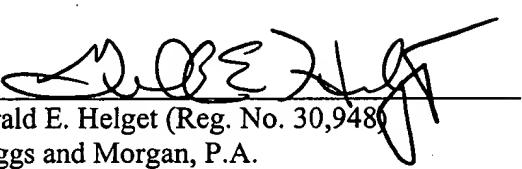
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Sheet 1 of 10

**Complete if Known**

Application Number	09/828,108
Filing Date	April 6, 2001
First Named Inventor	Jon D. Kittelsen
Group Art Unit	3764
Examiner Name	Michael A. Brown
Attorney Docket Number	33116.51

## U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	1	US-D328,494	08-04-1992	Allison J. Schwendeman, et al	
	2	US- D343,928	02-01-1994	Jon D. Kittelsen	
	3	US- D356,188	03-07-1995	Jon D. Kittelsen	
	4	US- D373,421	09-03-1996	Thomas J. Brown	
	5	US- D397,442	08-25-1998	Jon D. Kittelsen	
	6	US- 257,038	04-25-1882	James V. McMann	
	7	US- 1,117,928	11-17-1914	Walter J. Thurmond	
	8	US- 1,323,832	12-02-1919	Isidor Chige	
	9	US- 1,461,209	07-10-1923	Josiah S. Bridges	
	10	US- 1,470,888	10-16-1923	Victor C. Smedley	
	11	US- 1,487,392	03-18-1924	Peyton A. Lee	
	12	US- 2,118,980	05-31-1938	Howard H. Montgomery, et al	
	13	US- 2,257,709	09-30-1941	Louis P. Anderson	
	14	US- 2,423,005	06-24-1947	Hyman F. Chaiken	
	15	US- 2,630,117	03-03-1953	Clarence F. Coleman	
	16	US- 2,643,652	06-30-1953	Jack F. Cathcart	
	17	US- 2,659,366	11-17-1953	Albert J. Savarese	
	18	US- 2,669,988	02-23-1954	Victor H. Carpenter	
	19	US- 2,678,043	05-11-1954	Emanuel Stark	
	20	US- 2,694,397	11-16-1954	Frederick W. Herms	

## FOREIGN PATENT DOCUMENTS

<b>Examiner Signature</b>		<b>Date Considered</b>	
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

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End Office that issued the document, by the two letter code (WPI-C Standard ST.5).<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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		Number - Kind Code <sup>2</sup> (if known)			
	23	US-2,702,032	02-15-1955	Jack J. Freedland	
	24	US- 2,708,831	05-24-1955	Jack J. Freedland	
	25	US- 2,750,941	06-19-1956	Jack F. Cathcart	
	26	US- 2,833,278	05-06-1958	Harold M. Ross	
	27	US- 2,847,003	08-12-1958	Norman D. Helmer, et al	
	28	US- 2,933,811	04-26-1960	Herman M. Lifton	
	29	US- 2,966,908	01-03-1961	Jack F. Cathcart, et al	
	30	US- 3,016,052	01-09-1962	Louis L. Zubren	
	31	US- 3,058,482	10-16-1962	Louis L. Greenblum	
	32	US- 3,073,300	01-15-1963	Hyman H. Berghash	
	33	US- 3,082,765	03-26-1963	Norman D. Helmer	
	34	US- 3,107,667	10-22-1963	Ernest R. Moore	
	35	US- 3,124,129	03-10-1964	Marc E. Grossberg	
	36	US- 3,126,002	03-24-1964	Herbert E. Owens	
	37	US- 3,203,417	08-31-1965	Norman D. Helmer	
	38	US- 3,207,153	09-21-1965	Sol Goldstein	
	39	US- 3,223,085	12-14-1965	Kenneth W. Gores, et al	
	40	US- 3,247,844	04-26-1966	Hyman H. Berghash	
	41	US- 3,312,218	04-04-1967	Alfred G. Jacobs	
	42	US- 3,319,626	05-16-1967	David K. Lindsay	

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Attorney Docket Number	33116.51

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		Number - Kind Code <sup>2</sup> (if known)			
43	US-3,407,809		10-29-1968	Harold M. Ross	
44	US- 3,411,501		11-19-1968	Samuel Greenberg	
45	US- 3,416,527		12-17-1968	William A. Hoef	
46	US- 3,448,738		06-10-1969	Robert D. Berghash	
47	US- 3,457,916		07-29-1969	Jerry M. Wolicki	
48	US- 3,498,936		02-24-1970	Kenneth W. Gores	
49	US- 3,485,242		12-23-1969	Samuel Greenberg	
50	US- 3,505,995		04-14-1970	Samuel Greenberg	
51	US- 3,513,838		05-26-1970	John W. Foderick, et al	
52	US- 3,518,988		07-07-1970	Kenneth W. Gores	
53	US- 3,532,091		10-06-1970	Martin D. Lerman	
54	US- 3,682,164		08-08-1972	Glenn O. Miller	
55	US- 3,692,025		09-19-1972	Samuel Greenberg	
56	US- 3,768,465		10-30-1973	Norman D. Helmer	
57	US- 3,864,832		02-11-1975	Gunnar O. Carlson	
58	US- 3,916,527		11-04-1975	Leonard I. Linkow	
59	US- 3,924,838		12-09-1975	Gilbert E. Mann	
60	US- 3,943,924		03-16-1976	Steven B. Kallestad, et al	
61	US- 4,030,493		06-21-1977	William T. Walters, et al	
62	US- 4,044,762		08-30-1977	Alfred G. Jacobs	1

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		Number - Kind Code <sup>2</sup> (if known)			
	63	US-4,063,552	12-20-1977	Robert E. Golng, et al	
	64	US- 4,114,614	09-19-1978	Peter C. Kesling	
	65	US- 4,185,817	01-29-1980	Eugenia N. Peterson	
	66	US- 4,211,008	07-08-1980	Martin D. Lerman	
	67	US- 4,330,272	05-18-1982	Earl O. Bergersen	
	68	US- 4,337,765	07-06-1982	Edgar S. Zimmerman	
	69	US- 4,348,178	09-07-1982	Craven H. Kurz	
	70	US- 4,376,628	03-15-1983	Henri J. Aardse	
	71	US- 4,457,708	07-03-1984	Gerald Dufour	
	72	US- 4,490,112	12-25-1984	Susumu Tanaka, et al	
	73	US- 4,495,945	01-29-1985	Kenneth B. Liegner	
	74	US- 4,519,386	05-28-1985	Ashley H. Sullivan	
	75	US- 4,568,280	02-04-1986	Jeffrey H. Ahlin	
	76	US- 4,591,341	05-27-1986	Lawrence F. Andrews	
	77	US- 4,640,273	02-03-1987	Franklin R. Greene, et al	
	78	US- 4,671,766	06-09-1987	John J. Norton	
	79	US- 4,672,959	06-16-1987	Robert H. May, et al	
	80	US- 4,727,867	03-01-1988	William R. Knoderer	
	81	US- 4,755,139	07-05-1988	Gerard P. Abbatte, et al	
	82	US- 4,763,791	08-16-1988	George E. Halverson, et al	

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		Number - Kind Code <sup>2</sup> (if known)			
	83	US-4,785,324	08-23-1988	John R. Lake, Jr.	
	84	US-4,791,941	12-20-1988	Quinton A. Schaefer	
	85	US-4,793,803	12-27-1988	Martin G. Martz	
	86	US-4,799,500	01-24-1989	Renton D. Newbury	
	87	US-4,810,192	03-07-1989	Edward D. Williams	
	88	US-4,838,283	06-13-1989	Alexander Y. Lee, Jr.	
	89	US-4,848,365	07-18-1989	Clement A. Guarlotti, et al	
	90	US-4,867,147	09-19-1989	E. Wayne Davis	
	91	US-4,944,947	07-31-1990	Martin H. Newman	
	92	US-4,955,393	09-11-1990	Loren S. Adell	
	93	US-4,976,618	12-11-1990	Kent Anderson	
	94	US-4,977,905	12-18-1990	Jon D. Kittelsen, et al	
	95	US-4,989,616	02-05-1991	Alexander Y. Lee, Jr.	
	96	US-5,031,611	07-16-1991	Randall C. Moles	
	97	US-5,031,638	07-16-1991	Cosmo R. Castaldi	
	98	US-5,063,940	11-12-1991	Loren S. Adell, et al	
	99	US-5,076,785	12-31-1991	Yu-Son Tsai	
	100	US-5,082,007	01-21-1992	Loren S. Adell	
	101	US-5,103,838	04-14-1992	Edward N. Yousif	
	102	US-5,112,225	05-12-1992	Michael Diesso	

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		Number - Kind Code <sup>2</sup> (if known)			
	103	US-5,117,816	06-02-1992	Norman A. Shapiro	
	104	US- 5,152,301	10-06-1992	Jon D. Kittelsen, et al	
	105	US- 5,154,609	10-13-1992	Peter T. George	
	106	US- 5,165,424	11-24-1992	Harvey N. Silverman	
	107	US- 5,174,284	12-29-1992	Frank W. Jackson	
	108	US- 5,194,003	03-16-1993	Gabriel L. Garay, et al	
	109	US- 5,194,004	03-16-1993	Earl O. Bergersen	
	110	US- 5,203,351	04-20-1993	Loren S. Adell	
	111	US- 5,234,005	08-10-1993	Jon D. Kittelsen, et al	
	112	US- 5,235,991	08-17-1993	Sue A. Minneman	
	113	US- 5,259,762	11-09-1993	Christopher J. Farrell	
	114	US- 5,277,203	01-11-1994	Marvin B. Hays	
	115	US- 5,293,880	03-15-1994	Steven J. Levitt	
	116	US- 5,297,960	03-29-1994	William F. Burns	
	117	US- 5,299,936	04-05-1994	Masato Ueno	
	118	US- 5,302,117	04-12-1994	Jon Kraut, et al	
	119	US- 5,313,960	05-24-1994	Barbara R. Tosasi	
	120	US- 5,316,474	05-31-1994	Walter H. Robertson	
	121	US- 5,320,114	06-14-1994	Jon D. Kittelsen, et al	
	122	US- 5,323,787	06-28-1994	Andrea P. Pratt	

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<p>Sheet</p>		<p>7</p>	<p>of</p>	<p>10</p>	<p>Application Number</p>	<p>09/828,108</p>
					<p>Filing Date</p>	<p>April 6, 2001</p>
					<p>First Named Inventor</p>	<p>Jon D. Kittelsen</p>
					<p>Group Art Unit</p>	<p>3764</p>
					<p>Examiner Name</p>	<p>Michael A. Brown</p>
					<p>Attorney Docket Number</p>	<p>33116.51</p>

## U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
	123	US-5,328,362	07-12-1994	Sherman L. Watson, et al	
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Application Number	09/828,108
Filing Date	April 6, 2001
First Named Inventor	Jon D. Kittelsen
Group Art Unit	3764
Examiner Name	Michael A. Brown
Attorney Docket Number	33116.51

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		First Named Inventor	Jon D. Kittelsen
		Group Art Unit	3764
		Examiner Name	Michael A. Brown
		Attorney Docket Number	33116.51
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## OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

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